

ORIGINAL

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C.

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
 Amendment of Section 73.202(b),) MM Docket No. _____
 Table of Allotments) RM-_____
 FM Broadcast Stations.)
 (Montgomery and Marmet, West Virginia))

To: Chief, Audio Division

PETITION FOR RULE MAKING

Educational Media Foundation ("EMF"), licensee of WZKM(FM), Montgomery, West Virginia, by its undersigned attorneys and pursuant to Section 1.401 of the Commission's rules, hereby petitions the Commission to amend the FM Table of Allotments, Section 73.202(b) of the Commission's rules, to reallocate Channel 227 from Montgomery, West Virginia to Marmet, West Virginia and to modify the license of WZKM(FM) to specify Marmet as its community of license. Specifically, EMF requests that the FM Table of Allotments be amended as follows:

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Montgomery, West Virginia	227A	--
Marmet, West Virginia	--	227A

In support of this Petition, EMF states as follows:

Technical Considerations

1. The requested reallocation of Channel 227A to Marmet is mutually exclusive with WZKM(FM)'s currently authorized allotment at Montgomery. Therefore, the proposed

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reallotment complies with the requirements of Section 1.420(i) of the Commission's rules.¹ In addition, the proposed reallotment will enable EMF to provide the community of Marmet with its first local aural transmission service without depriving Montgomery of local broadcast service. Finally, because the proposed reallotment does not involve a site change, no existing listeners will be deprived of reception service.

Policy Considerations

2. The allotment of Channel 227A to Marmet will result in a preferential arrangement of allotments pursuant to the Commission's change of community procedures.² Pursuant to those procedures, the existing arrangement of allotments must be compared with the proposal using the FM allotment priorities: (1) first full-time aural service; (2) second full-time aural service; (3) first local service; and (4) other public interest matters.³ The public interest supports grant of this request. As noted above, the community of Marmet currently has no local aural transmission service. In contrast, Montgomery is currently served by WZKM(FM) and radio broadcast station WMON(AM).⁴ Thus, grant of the requested allotment will provide Marmet with its first local service without depriving Montgomery of local aural transmission service.

¹ Section 1.420(i) of the Commission's Rules allows the FCC to modify a station's authorization to specify a new community of license without affording other parties an opportunity to file competing expressions of interest where, as here, the proposed allotment is mutually exclusive with the station's present assignment.

² See *Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 4870 (1989), *recon. granted in part*, 5 FCC Rcd 7094 (1990).

³ *Id.*

⁴ An application has also been filed for a new low power FM station to serve Montgomery, West Virginia. See FCC File No. BNPL-20010615AQS.

3. The community of Marmet has the social, economic, and cultural characteristics of a community and warrants a first local aural transmission service. Marmet, located in Kanawha County, is recognized in the 2000 U.S. Census as a Census Designated Place with a population of 1,693 people. The community of Marmet has its own post office and zip code, police and fire department, city hall, health care center, and elementary school. The residents of Marmet are also served by a local library, ball field, community center, several churches, including Marmet Christian Church, and numerous businesses, including Rogers Wheel & Deal Auto, Hair Haven Hair Care Center, Computer Works, Fred's Party Store, Go Mart, and Cook's Floral Center.⁵ In similar circumstances, the Commission has found other similar and much smaller places to possess the requisite social, economic and cultural components to qualify as communities for allotment purposes.⁶

4. If the proposal set forth herein is adopted, EMF intends to promptly file the appropriate application to permit operation of the station on Channel 227A at Marmet. Since no other change in WZKM's facilities is involved in this Petition, no separate commitment regarding construction is required.

⁵ See Exhibit A hereto.

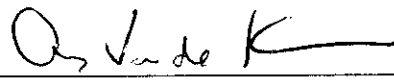
⁶ See, e.g., *Pentwater and Walhalla, Michigan*, 13 FCC Rcd 6580 (MM Bur. 1998) (finding Walhalla, Michigan, a 400 person community located in Branch Township, to be a community for allotment purposes because it constituted an identifiable population grouping with businesses and community organizations that identified themselves with its residents), *Deerfield, Missouri*, 12 FCC Rcd 12150 (MM Bur. 1997) (finding Deerfield, Missouri, an 85 person community located in Deerfield Township, to be a community for allotment purposes).

Conclusion

Grant of the instant proposal will result in a preferential arrangement of allotments as it will permit WZKM to provide a first local aural transmission service to a community currently without such service without depriving Montgomery of local transmission service or any listeners of existing reception service. For these reasons, EMF respectfully requests that the Commission promptly initiate the rule making requested herein to amend Section 73.202(b) of the Commission's rules, the Table of Allotments for FM Broadcast Stations, to reallocate Channel 227A from Montgomery to Marmet, West Virginia as the latter community's first local aural transmission service.

Respectfully submitted,

EDUCATIONAL MEDIA FOUNDATION

By: 
David D. Oxenford
Veronica D. McLaughlin
Amy L. Van de Kerckhove

Its Attorneys

SHAW PITTMAN LLP
2300 N Street, NW
Washington, DC 20037-1128
(202) 663-8000

Dated: August 14, 2002

EXHIBIT A

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Nicknames

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West Virginia

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Special Messages

SPOT AD \$100

Welcome to Key to the City's page for

Marmet**Kanawha,****West Virginia**Zip Code

The West Virginia state capital is Charleston.

What would you like to know about Marmet

Statistics & Facts**Zip Codes**

25315

Return to Index**Statistics & Facts**The population of Marmet is approximately 1879.
The approximate number of families is 845.The amount of land area in Marmet is 3.645 sq. kilometers.
The amount of surface water is 0.369 sq kilometers.
The distance from Marmet to Washington DC is 262 miles. The distance to the



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PLACE SEARCH

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State:

WV



Search

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COMMUNITY

[West Virginia](#) > [All counties](#) > [Kanawha County](#) > **Marmet, WV**

Marmet, WV

City

Population 2000: 1,693

Metro area: Charleston

Named after the Marmet Coal Company



View of Marmet, WV

Send us your views and reviews

West Virginia community profiles:

A B C D E F G H I J K L M N O P Q R S T U V W

MORE INFO

County:

• [Kanawha County](#)

State:

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At or near Marmet:

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[Communities \(9\)](#)

[Museums \(1\)](#)

[School districts \(1\)](#)

[Other nearby places](#)

TRAVEL

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• **WV School Directory** •

Marmet Elementary School

408 94th Street
Marmet, WV 25315

Telephone: 304-949-2382

Grades : K-05

Enrollment : 156

School's Webpage: None Provided

- [Other Schools in Kanawha County](#)
- [Kanawha County Bad Weather Closings and Delays](#)
- [View Schools and Counties Report Cards](#)
- [K-12 Jobs in Kanawha County](#)

[Back to School Directory](#)

Staff Listing -- 18 Staff Members

NOTE:The staff listing is provided to the WV Department of Education once a year by county offices. The staff listing was accurate when it was provided, but some changes may have occurred by the time you view this webpage.

Bennett, Linda S - Teacher
Bosley, Sherry D - Teacher
Cook, Roberta J - Teacher
Dyerjr, Marshall - Custodian
Eggleston, Mary Jo - Teacher
Fisher, Thomas A - Teacher
Gillispie, Amanda B - Teacher
Hoffman, Linda R - Teacher
Jenkins, Karen - Teacher
Keiffer, Rita E - Aide

King, William J - Teacher
Kirby, Kevin P - Custodian
Lucci, Linda N - Teacher
Martin, Catrinka Mae - Cook
Older, Vollie C - Principal
Phillips, Deborah D - Teacher
Simmons, Lynne M - Librarian
Thomas, Lynda R - Secretary

Note: To download all addresses in a comma delimited format [follow this link](#). You can

arnettD>

*Marmet*

9303 Oregon Avenue (Behind Post Office)
949-6628



Hours

Thursday	10 a.m. - 8 p.m.
Friday	10 a.m. - 5 p.m.
Saturday	10 a.m. - 3 p.m.
Sunday - Wednesday	Closed

For information on programs/events at this library, please check the listings in our [At The Library newsletter](#).

Directions from downtown Charleston:

Take Interstate 64/Turnpike east to the Marmet exit. Turn left at the end of the exit ramp. Turn left at the light onto Rt. 61/MacCorkle Avenue going toward Kanawha City. Continue until you see Marmet Elementary school on your right and the U.S. Post Office on your left. Turn left on the street beside the Post Office. The library is one block back. OR- cross 35th Street Bridge and continue on MacCorkle Avenue east through Kanawha City until you get to Marmet. Make left turn at the post office in Marmet. Library is one block back.



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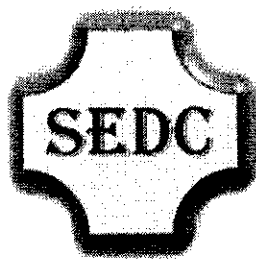
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Charleston, WV 25301-2686

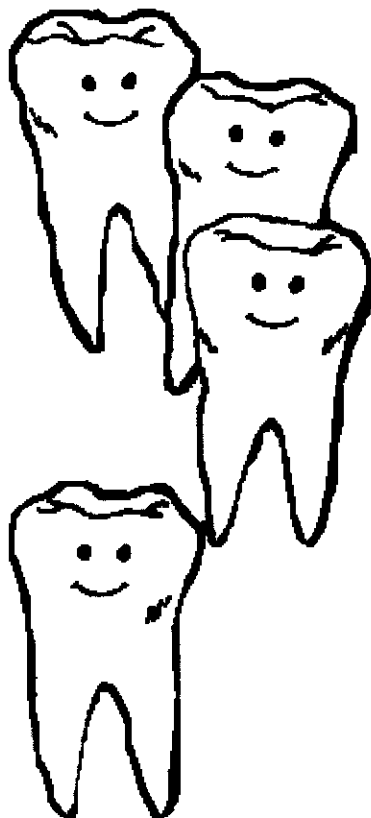


Marmet West Virginia Dentists and Dental Insurance Plans

South East Dental Care offers dental plans and dental insurance throughout Marmet WV

General Dentists Marmet West Virginia

Dr. Kirit Pujara
10009 MacCorkle Ave.
Marmet, W.Va. 25315
(304)949-1051



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MARMET CHRISTIAN CHURCH

MARMET, WEST VIRGINIA



[Calendar of Events](#)

[Pastor's Page](#)

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R East End Historic District ** (added 1978 - District - #78002800)
Roughly bounded by the Kanawha River, Bradford, Quarrier, and Greenbrier Sts., Charleston

Historic Significance: Event, Architecture/Engineering
Architect, builder, or engineer: Multiple
Architectural Style: Late 19th And 20th Century Revivals, Late Victorian
Area of Significance: Community Planning And Development, Architecture
Period of Significance: 1875-1899, 1900-1924
Owner: **Private , Local Gov't**
Historic Function: Domestic
Historic Sub-function: Multiple Dwelling, Single Dwelling
Current Function: Domestic
Current Sub-function: Multiple Dwelling, Single Dwelling

R East Hall * (added 1988 - Building - #88001585)**
West Quadrangle, West Virginia State College, Institute

Historic Significance: Event
Area of Significance: Black, Education, Social History
Period of Significance: 1875-1899, 1900-1924, 1925-1949
Owner: **State**
Historic Function: Domestic, Education, Social
Historic Sub-function: College, Educational Related Housing, Library, Research Facility, Single Dwelling
Current Function: Education

R Ebenezer Chapel (added 1974 - Building - #74002011)
Also known as **Marmet Christian Church**
Ohio Ave., S at Hillview Dr., Marmet

Historic Significance: Event
Area of Significance: Military, Religion
Period of Significance: 1825-1849, 1850-1874
Owner: **Local Gov't**
Historic Function: Religion
Historic Sub-function: Religious Structure
Current Function: Vacant/Not In Use



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Communities

Marmet Apostolic Church



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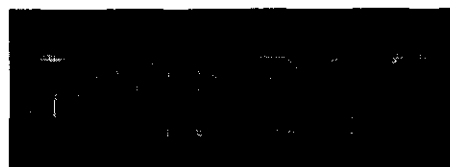
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Praise the Lord!



Welcome to the Marmet Apostolic Church Website!

*Marmet Apostolic Church is located in
Marmet, WV between the
Ace Hardware store and the
old Heilig/Meyers store.*

*8803 MacCorkle Ave.
Marmet, WV 25315
Phone (304) 949-2717*

Worship times are:

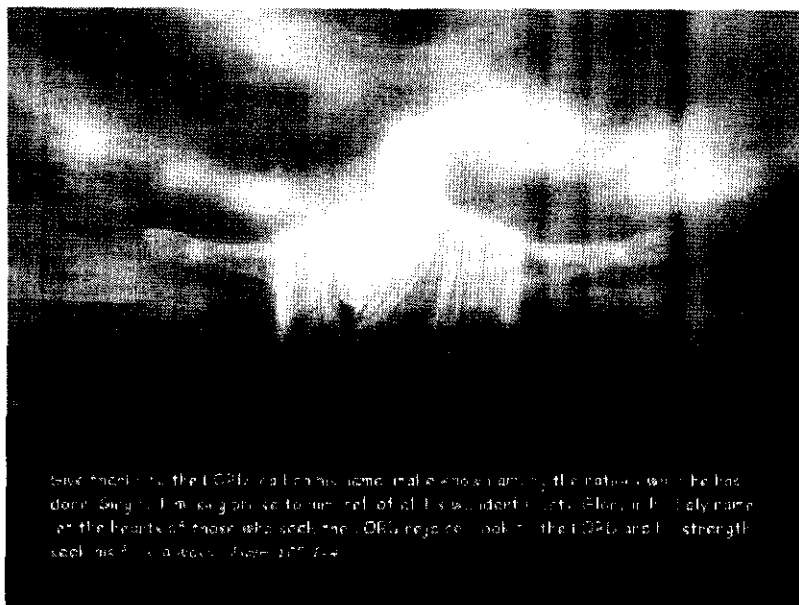
Sunday Service 2:00pm

*Tuesday Evening 7:00pm
(Prayer Meeting)*

*Wednesday Evening 7:30pm
(Bible Study)*

*Youth Night 7:30pm
(Last Wednesday of
every month)*

*Please join us in worship, giving thanks to our Lord
Jesus!*



This is also a community site for the Marmet Apostolic Church. It's a way for the church members and others to witness by chatting about upcoming events. Join today!

Feel free to browse our site and take advantage of all the fun to forget to check out our calendar for those upcoming event

Add Marmet to My Sites.

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8203 Maccorkle Ave
304-949-1318 / 888-874-1576

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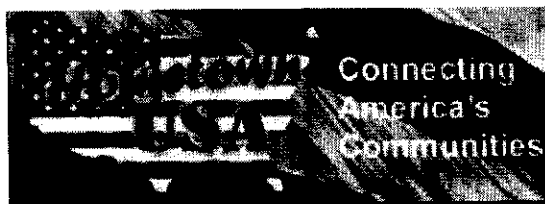
 www.FloralShops.com

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Search Alphabetically:

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z 1 2 3 4 5 6 7 8 9 0

Listings that matched your search

Displaying 1 to 6

Freds Party Store	(304) 949-4139
117 Maccorkle Ave Sw Marmet, WV 25303	
Go Mart Inc	(304) 949-3370
9912 Maccorkle Ave Marmet, WV 25315	
Jones Freddie	(304) 949-4139
117 Maccorkle Ave Sw Marmet, WV 25303	
Kroger Company The	(304) 949-6124
10635 Maccorkle Ave Marmet, WV 25315	
Kroger Company The	(304) 949-6124
Retail Stores 10635 Maccorkle Ave Marmet, WV 25315	
Packs Mart Inc	(304) 949-4628
10410 Maccorkle Ave Marmet, WV 25315	

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Hotel

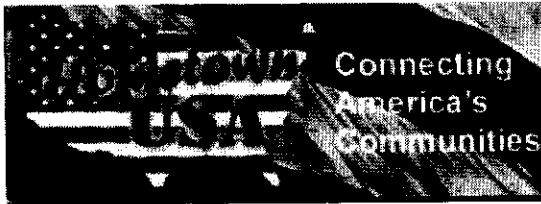
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Listings that matched your search

Displaying 1 to 3

Rogers Wheel & Deal Auto	(304) 949-1119
8301 Maccorkle Ave Marmet, WV 25315	
Turnpike Ford Inc	(304) 925-0431
Rr 61 Marmet, WV 25315	
Upper Valley Affordable Used Cars	(304) 949-6581
8105 Maccorkle Ave Marmet, WV 25315	

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Area

Hotel

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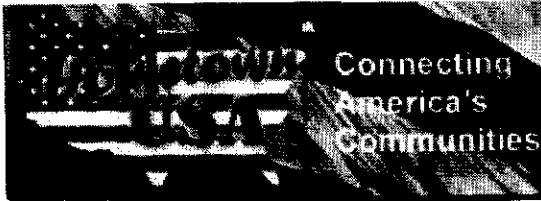
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- Title

City Search

Search City: _____

Search State: **Alabama** ▼

or Zip Code: _____

Find It!

Category: **or Name:** **SUBMIT**

Search Results: Found 2 Unique Listings for Beauty salons in Marmet, WV.

Search Alphabetically:
A B C D E F G **H** I J K L M N O P Q R S T U V W X Y Z 1 2 3 4 5 6 7 8 9 0

Listings that matched your search **Displaying 1 to 2**

Adkins Rosalee 8309 Maccorkle Ave Marmet, WV 25315	(304) 949-3621
Hair Haven Hair Care Center 8309 Maccorkle Ave Marmet, WV 25315	(304) 949-3621

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AreaP

Hotel

- ☒ Clean
- ☒ Afford
- ☒ Good

Reserve Yes

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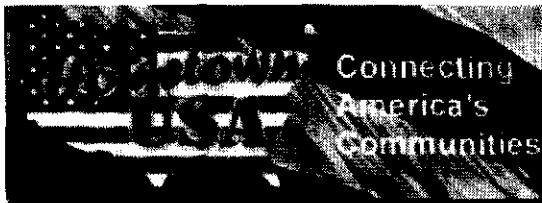
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City Search

Search City:

Search State:

Alabama

or Zip Code:

Find It!

Category:

eg Hotel

or Name:

eg Hilton

SUBMIT

Search Results: Found 1 Unique Listings for Government Offices in Marmet, WV.

Search Alphabetically:

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z 1 2 3 4 5 6 7 8 9 0

Listings that matched your search

Displaying 1 to 1

City Of Marmet Ben Morris Ballfield

(304) 949-6139

8505 Maccorkle Ave
Marmet, WV 25315

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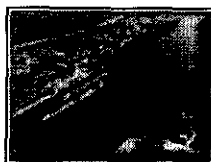
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Marmet Locks & Dam



Click image for larger picture.

Detailed project information. (Supplied by the Corps' Digital Project Notebook (DPN).)

(Note: This link takes you away from our site. Click on the Back button in your browser to return to this page.)

.....

Click these links for a one-page fact sheet with 1999 data: [HTML version](#) [MS-Word version](#)

.....

Marmet Locks and Dam is located at mile 67.7 of the Kanawha River. The locks were opened in 1933 and the dam was completed in 1934. The two lock chambers measure 360' by 56'. The project is located about 9 miles upstream of Charleston West Virginia, and is approximately 27 miles from the head of navigation.

An improvement to Marmet Locks was authorized in 1996. The proposed project is a new 110' x 800' lock chamber to go with the existing pair of 54' x 360' chambers. Property acquisition and development of plans and specifications are underway. The total cost of the project is \$313 million, and \$10.2 million was appropriated by Congress for work in fiscal year 2001. The benefit/cost ratio is 4.2 to 1. At London Locks, a major rehabilitation project is planned. The failing upstream guardwall will be replaced, and the riverward lock chamber will be extended in length by moving the existing miter gate 47 feet upstream. This will allow two jumbo barges to fit in the chamber instead of one. The project is estimated to cost \$22.2 million, and the fiscal year 2001 appropriation is \$1.8 million. The benefit cost ratio is 25.5 to 1.

Marmet Locks and Dam
1999 Commodity Distribution
(values in millions of dollars)

Commodity	Tonnage	Percent	Value	Percent
Coal	14,197,876	94%	\$ 540	76%
Petroleum	**	**	**	**
Aggregates	323,692	2%	\$ 17	2%
Chemicals	185,873	1.5%	\$ 94	13%
Ores/Minerals	111,257	0.7%	\$ 15	2%
Iron/Steel	15,516	0.1%	\$ 10	1%
Other	249,489	1.7%	\$ 35	5%
Total	15,083,703		\$ 711	

Source: U.S. Army Corps of Engineers Waterborne Commerce Statistics

According to the Corps of Engineers Waterborne Commerce Statistics for 1999, over 15 million tons of commodities were shipped through Marmet Locks. These shipments had a combined value of \$711 million. The leading commodity shipped through Marmet Locks was coal, which made up 94% of the total tonnage.

The state that shipped the most tonnage through Marmet Locks was West Virginia, transporting more than 14.4 million tons. Over 14.14 million tons of this amount was coal.

Marmet Locks & Dam
1999 Barge Tonnage Shipped by States
(values in millions of dollars)

Shipments By	Tons	Value	Top Commodity
West Virginia	14,458,962	\$ 595	Coal
Indiana	220,337	\$ 16	Aggregates
Louisiana	206,512	\$ 44	Ores/Minerals
Kentucky	88,489	\$ 2	Aggregates
Texas	70,027	\$ 49	Chemicals

Source: U.S. Army Corps of Engineers Waterborne Commerce Statistics

Ohio received 5.7 million tons worth \$231 million through Marmet Locks. Coal made up almost this entire amount. West Virginia was second in receipts of Marmet Locks traffic, receiving 4.1 million tons of goods. See map for a graphical representation of state tonnage movements through Marmet Locks.

Marmet Locks & Dam
1999 Barge Tonnage Shipped to States
(values in millions of dollars)

Shipments To	Tons	Value	Top Commodity
Ohio	5,759,662	\$ 232	Coal
West Virginia	4,153,269	\$ 275	Coal
Kentucky	1,949,785	\$ 74	Coal
Pennsylvania	1,171,482	\$ 53	Coal
Louisiana	982,522	\$ 37	Coal

Source: U.S. Army Corps of Engineers Waterborne Commerce Statistics

West Virginia's 2nd Congressional District was the leading shipper of commodities through Marmet Locks. This district shipped 12.4 million tons of coal, aggregates and other commodities worth \$473 million. West Virginia District 3 was next, moving approximately 2 million tons through the locks. See map for the top ten Congressional Districts shipping tonnage through Marmet Locks.

Marmet Locks 1999 Barge Tonnage
Shipped by Congressional Districts
(values in millions of dollars)

Shipments By	District	Tons	Value	Top Commodity
West Virginia	2	12,433,254	\$ 474	Coal
West Virginia	3	2,025,708	\$ 122	Coal
Indiana	9	220,337	\$ 16	Aggregates
Louisiana	3	174,424	\$ 31	Ores/Minerals
Kentucky	4	88,489	\$ 2	Aggregates

Source: U.S. Army Corps of Engineers Waterborne Commerce Statistics

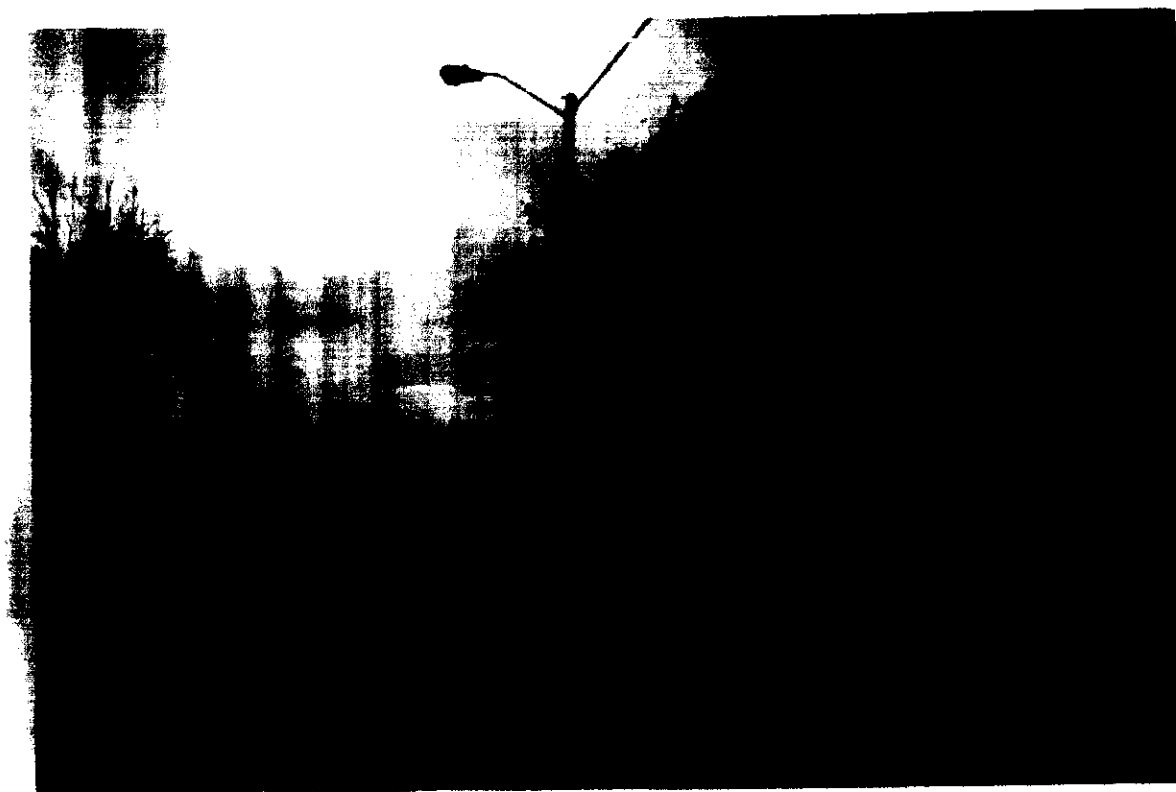
The leading Congressional District in receipts of Marmet Locks' commodities was also West Virginia District 2, which received over 4 million tons. This tonnage was mostly coal and aggregates, and had a combined value of over \$271 million. See map for the top ten Congressional Districts receiving tonnage through Marmet Locks.

Marmet Locks 1999 Barge Tonnage
Shipped to Congressional Districts
(values in millions of dollars)

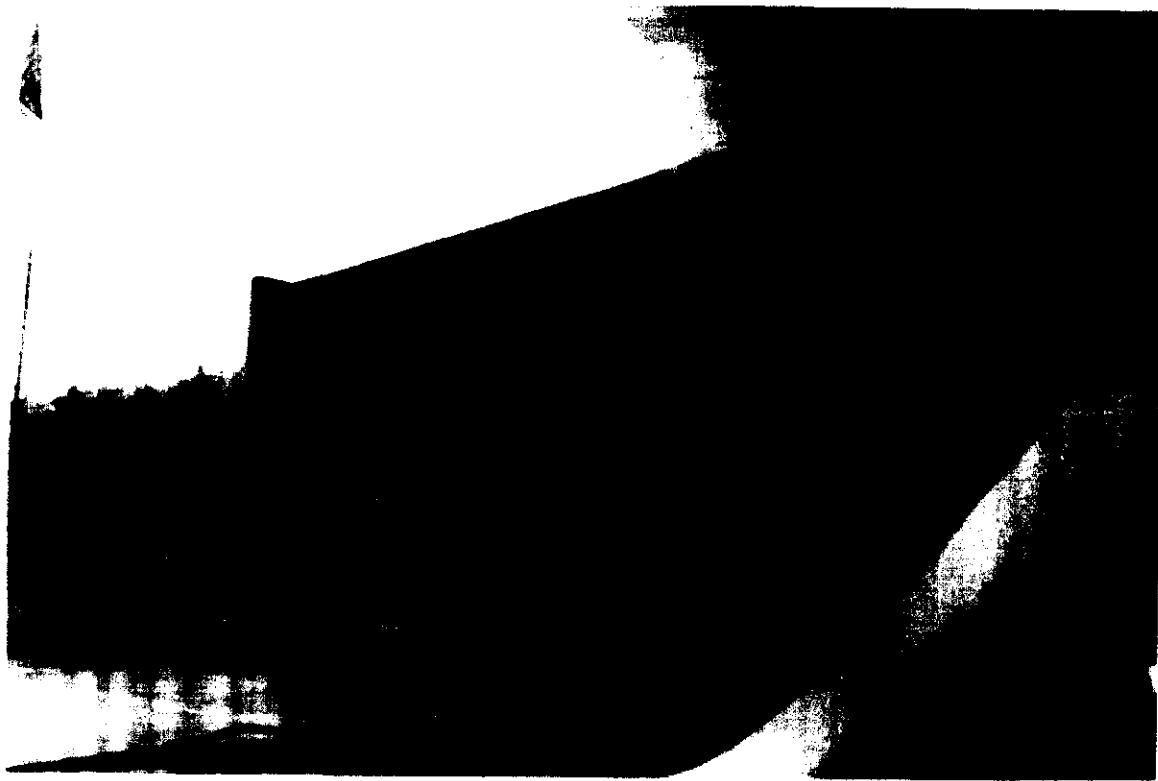
Shipments To	District	Tons	Value	Top Commodity
West Virginia	2	4,067,388	\$ 271	Coal
Ohio	2	2,417,003	\$ 92	Coal
Ohio	18	2,052,285	\$ 78	Coal
Kentucky	4	1,782,507	\$ 68	Coal
Ohio	1	1,048,980	\$ 40	Coal

Source: U.S. Army Corps of Engineers Waterborne Commerce Statistics

Winfield Locks and Dam, located at Kanawha River mile 31.1, opened a new 110' x 800' lock chamber in 1999. Of the 15 million tons that transited Marmet Locks in 1998, 14.2 million also










CERTIFICATE OF SERVICE

I, Renee Williams, a secretary in the law offices of Shaw Pittman LLP, hereby certify that on this 14th day of August, 2002, a copy of the foregoing "**PETITION FOR RULE MAKING**" was sent via hand delivery, to the following:

Mr. John A. Karousos, Assistant Chief
Audio Division
Media Bureau
Federal Communications Commission
Portals II
445 12th Street, S.W., Room 7-C485
Washington, DC 20554



Renee Williams